

United States Court of Appeals

For the First Circuit

MANDATE

5-0-TOOLE

No. 05-1859

GMAC MORTGAGE CORPORATION,

Plaintiff, Appellee,

v.

JEFFREY L. BAYKO, SR., ET AL.,

Defendants.

Before

Boudin, Chief Judge,
Campbell and Stahl, Senior Circuit Judges.

JUDGMENT

Entered: December 8, 2005

At the motion of the United States, this appeal is dismissed as moot. We deny the request for vacatur, a gesture of limited utility given the many District of Massachusetts decisions rejecting the position taken by the United States. In view of the new interpleader action by the plaintiff, we need not order the district court to adjudicate the claims of the remaining parties.

Dismissed.

**Certified and issued as Mandate
under Fed. R. App. P. 41.**

By the Court:

Richard Cushing Donovan, Clerk.

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Margaret Carter
Deputy Clerk

By: MARGARET CARTER
Chief Deputy Clerk.

Date: JAN 30 2006

[Cert. cc: Hon. George A. O'Toole, Jr. and Sarah A. Thornton, Clerk, U.S.D.C. of Massachusetts, cc: Rosen, Sullivan, Barnico, Hutter, Clark, Ms. Smith, Ms. Turanchik, Ms. McAuliffe and Ms. Ouimet-Rooke]